



**MINUTES OF THE GILA COUNTY
BOARD OF ADJUSTMENT
Thursday June 20, 2019
9:00 AM**

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM
610 E. Highway 260, Payson, AZ
GILA COUNTY COMMUNITY DEVELOPMENT CONFERENCE ROOM
745 N. Rose Mofford Way, Globe, AZ

REGULAR MEETING

1. The meeting was called to order at 9:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Michelle Dahlke.
3. Roll Call: Michelle Dahlke did the roll call; Mickie Nye (in Payson), Bill Marshall (in Globe), and Mary Lou Myers (in Payson). A quorum is present.

Community Development Staff Members Present: Senior Planner, Michelle Dahlke, Administrative Assistant, Shealene Loya and Director, Scott Buzan.

4. Review and Approval of the Board of Adjustment Minutes on April 18, 2019. Chairman Nye asked if there were any changes needed to the minutes. No changes were suggested. Mr. Marshall motioned that the minutes be approved as is and Mrs. Myers seconded the motion. The motion was unanimously approved.
5. **Director/Planner Communication:**
Mr. Buzan and Mrs. Dahlke did not have anything to discuss.

Public Hearing:

6. **AV-19-10 Jeanne Cox:**
The applicant has submitted an appeal against the denial of the administrative variance application. The applicant wishes to build a metal RV carport in front of property located at 4180 Woodland Trail in Pine, Arizona (APN# 301-28-068) and zoned R1-D35.

Mrs. Dahlke began her presentation by informing the board that the applicant submitted an application for an administrative variance to construct a metal carport in front of her property which was denied because staff felt that the carport would have a negative impact on adjoining properties. Staff felt that there are other areas on the applicant's property that are more suitable for the carport. The applicant was provided a letter for the denial of the administrative variance on April 22, 2019. After speaking with Mrs. Dahlke via telephone, the applicant decided to proceed with an appeal of the denial and have her case presented to the Board of Adjustment. The applicant was unable to attend the meeting in person and was offered to postpone her case to the next Board of Adjustment meeting to which she denied. In the applicant's appeal, she provided photographs of surrounding properties that contain RV carports in the front yard. According to staff's research, two of these adjoining properties obtained proper permits to be able to construct the carports and no administrative variance would have been needed because the carports are not in the front yards of the properties. Three of the other four adjoining properties contain unpermitted carports that

should have gone through the administrative variance process and obtained proper permits to be able to construct those carports. The fourth adjoining property was not required to go through the administrative variance process as the carport is located on the side and rear of the house; however, a permit should have been issued.

Mrs. Dahlke went on to say that the staff would support the construction of the carport on another portion of the property, such as on the northern part of the property near an existing detached garage or on the southern part of the property, without needing extensive grading or tree removal. Staff recommends that the board uphold the denial of the administrative variance to construct the carport in the proposed location. Mrs. Dahlke opened the discussion for any questions the board might have.

Mrs. Myers stated that she has a distant relationship with the applicant and wanted to make that known to the board.

Mr. Marshall asked how far from the road was the carport proposed to be built to which Mrs. Dahlke answered with 39 feet and explained that the reasoning for the administrative variance was because the structure was proposed to be placed in the front yard of the property not necessarily because of setbacks.

Chairman Nye asked to clarify what determines the front yard from the side or rear yards.

Mr. Buzan answered that the front yard is considered to be the front of the main dwelling or house to the street.

Chairman Nye also asked about what is being done with the properties that are currently in violation of not going through the proper steps to obtain permits to build their carports.

Mr. Buzan answered by stating that complaint forms have been filed against the four properties that have carports in violation and are currently being taken care by code enforcement. Mr. Buzan also stated that one carport even appears to be right on the property line.

Mrs. Myers stated that the applicant has yellow marks where the proposed carport was going to be placed, which is at the front of the property. She stated that in her opinion, she would consider it to be an eyesore, but others might react to it differently.

Mr. Buzan confirmed that the carport would be very visible from the road and that the property owner to the southeast of Mrs. Cox's property would have a clear view of the carport from their position.

Chairman Nye stated that he believes the County will be more than willing to help find an alternative spot on the property to place the carport if the commission upholds the denial of the administrative variance.

Mr. Marshall asked how far the proposed carport is from the house.

Mrs. Dahlke stated that she did not have an exact number but can estimate that the RV carport is about 50-70 feet from the residence.

Mrs. Myers asked if there were any regulations in the Comprehensive Plan that states that any additions to a property must be located in the back of the property.

Mr. Buzan stated that before getting changed back in March of this year, the Zoning Ordinance did state that no structures are to be located in the front of the property. He also stated that the reasoning behind choosing to go through the administrative variance process was to give the Board the chance to weigh in on the case if an appeal was filed and also to give the neighbors a chance to give their opinions on the case.

Mrs. Myers asked if any of the neighbors knew about Mrs. Cox's administrative variance or submitted any comments or concerns about it. Mr. Buzan answered by explaining that each of the neighbors received a letter with an opportunity to appeal the application, but none were submitted.

Mrs. Dahlke also explained that once an application is submitted, a letter is sent out to all adjoining properties letting them know what the case is regarding and staff's decision on the case. None of the neighbors submitted any comments or concerns.

Mr. Marshall stated that if the RV carport doesn't have any adverse effect on any of the surrounding neighbors or if the carport doesn't block the view of traffic, he sees no reason the administrative variance cannot be approved.

Mrs. Myers reiterated a statement that Mr. Buzan had made previously regarding an adjoining neighbor that would be looking directly at the carport.

Mrs. Myers made a motion on Case No. AV-19-10 to uphold the denial of Mrs. Cox's administrative variance and deny the appeal.

Chairman Nye second the motion.

The motion was approved by a 2 to 1 vote.

Myers and Nye voted in favor, Marshall voted against

7. V-19-03 ODAAT Properties LLC / Garth Stoneburner:

The applicant is requesting a variance to construct a 24' high commercial sign for an existing RV park where the current zoning regulations only allow for 12'. The property is located at 246 Butcher Hook Drive in Tonto Basin, Arizona (APN# 201-06-013N) and zoned TR-T

Mrs. Dahlke explained that the applicant would like to construct a 24' tall sign to advertise their RV park. The applicant has stated that the reason for the height for the sign is for visibility purposes due to a grade difference of about 8' from the centerline of Highway 188 to the proposed sign location. Mrs. Dahlke went on to explain that in her staff report, she provided photos of adjacent RV park signs, such as Picture Mountain RV which has a sign that is 24' tall and the Butcher Hook RV Park which has a sign approximately 35' tall. Staff believes that the circumstance for the variance is not self-imposed by the property owners and given the fact that there are other RV parks in the surrounding area with similar sign heights, the request 24' sign would not have any

impact on adjacent properties in the surrounding area. Therefore, staff recommends approval of the variance.

No board members had any questions or comments.

Mr. Marshall motioned to approve Case No. V-19-03 for the variance to construct the 24' sign.

Mrs. Myers second the motion.

The motion was unanimously approved.

8. **V-19-04 FRANK AND SUSAN MILLER:**

The applicant is requesting a variance to construct two attached, steel carports at the rear portion of the property. One carport being 1'6" away from rear property line on one corner and 3' away on the other. The second carport being 3' from rear property line on one corner and 5' on the other. This property is located at 9354 South Kellner Canyon Road in Globe, Arizona (APN# 102-15-012M) and zoned R1-D8.

Mrs. Dahlke began her presentation by explaining that there are 2 proposed metal carports that the applicants are wishing to construct close to the rear property line. One carport will be located to the Southern side of the existing garage and the RV carport will be located on the Northern side of the existing garage. The County granted a variance for the existing garage in 1993 which allowed it to be constructed 2' from the rear property line. There are some special circumstances with the property that limit the owners from constructing the carports in another location, such as the shape of the lot and the location of the house, garage, septic and leach field. Staff has concluded that these circumstances are not self-imposed. Staff also took into consideration that the metal carports would not be required to be fire rated.

Mrs. Dahlke opened the floor for any questions.

Mr. Marshall addressed that Susan and Frank Miller were in attendance in Globe.

Chairman Nye made known to the board that he was acquainted with the applicants in attendance.

Chairman Nye also addressed his concerns regarding the 1'6" setback from the rear property line by stating that it would be difficult for emergency personnel to get past the structure.

Mr. Marshall motioned to approve Case No. V-19-04 for the variance to allow the construction of the 2 proposed metal carports.

Mrs. Myers second the motion.

The motion unanimously passed.

9. Adjournment. Mrs. Myers made a motion to adjourn the meeting and Mr. Marshall second the motion. The motion to adjourn was unanimously approved at 9:24 A.M.